

**WEST VIRGINIA INFORMATIONAL LETTER**

No. 62  
May 1989

**TO: ALL FRATERNAL BENEFIT SOCIETIES LICENSED TO TRANSACT  
BUSINESS IN WEST VIRGINIA AND OTHER INTERESTED PARTIES**

**RE: LICENSING OF FRATERNAL BENEFIT SOCIETY AGENTS**

On or after June 1, 1989, no person shall in West Virginia act as or hold himself out to be an agent for a fraternal benefit society unless licensed pursuant to Chapter 33, Articles 12 and 23 of the West Virginia Code.

The 1989 regular session of the West Virginia Legislature enacted House Bill 2286 which amends Chapter 33, Article 23, Section 2 of the West Virginia Code to make Article 12 (agents, brokers, solicitors and excess line brokers) applicable to fraternal benefit societies.

House Bill 2286 also added to Article 23 a new section 33 which:

- a) requires licensure of fraternal agents on and after June 1, 1989;
- b) provides that any person serving as a fraternal agent prior to July 1, 1989, is exempt from the examination requirements of 33-12-2(e);
- c) exempts from examination requirement and continuing education requirement, any person who is a salaried officer, employee or member of a fraternal and, as an occasional and incidental duty of such position may solicit a fraternal insurance contract from a fraternal member and receives no compensation based on such solicitation and makes no solicitation of persons not members of the fraternal society.

Beginning June 1, 1989, resident and non-resident agents for fraternal benefit societies must be licensed and appointed through this office to represent each fraternal benefit society for which they may be soliciting business.

A signature card (enclosed) must be on file in our office prior to June 1, 1989, for every individual within your company who will need authority to appoint and terminate agents for your company.

Qualified individuals seeking a resident agent license without taking the licensing examination must complete a waiver of examination form and same must be submitted with the license application, \$25.00 license fee (paid by the insurance company), and any other document which might be required by this office.

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After July 1, 1989, any individual who has not applied for a license under the prior service exemption or who is not exempt from the examination will be required to complete an approved pre-licensing education course prior to taking the licensing examination.

Non-resident applicants must furnish letter of certification from their state of domicile insurance department as to their licensing status when submitting licensing applications to this office. The non-resident license fee shall be \$25.00 (paid by the insurance company) except that when a non-residents state imposes a tax, bond, fine, penalty, license fee, or other obligation or prohibition on residents in this state, the same shall be imposed upon non-residents seeking a license in this state.

The 10-digit number shown on the mailing label is your company's identification number and is to be placed in the appropriate area on any licensing form submitted to this office.

Fraternal benefit societies are authorized to transact life, and accident & sickness business, likewise, agents must be licensed to sell these lines of insurance.

Included with this letter, are several appointing official authorization cards, a resident application, a non-resident application, waiver of examination form, and a West Virginia Candidate Bulletin. The two applications and the waiver form may be photocopied.

Additional materials or information can be obtained by contacting the West Virginia Insurance Commissioner, Agent Licensing Section, 2019 Washington Street East, Charleston, WV 25305, telephone (304) 348-0610.

Hanley C. Clark  
Insurance Commissioner

**REQUEST FOR WAIVER OF EXAMINATION REQUIREMENT**

The applicant, whose name and signature appear on this form, and who is applying for a West Virginia resident agents license to represent a fraternal benefit society, requests waiver of the examination pursuant to West Virginia Code, Chapter 33, Article 23, Section 33.

The applicant certifies that he/she is exempt under one of the following:

Check one:

- \_\_\_ Applicant was serving as a fraternal agent prior to July 1, 1989 (NOTE: applications using this exemption must be received in the Insurance Commissioners office prior to July 1, 1989.);
- \_\_\_ Applicant is a salaried officer, employee or member of a fraternal and, as an occasional and incidental duty of such position may solicit a fraternal insurance contract from a fraternal member and receives no compensation based upon such solicitation and makes no solicitation of persons not members of the fraternal society.

The applicant further certifies that the two (2) references named on this form can verify that he/she qualifies for the exemption noted above.

APPLICANT:

Print Name \_\_\_\_\_ Signature \_\_\_\_\_

REFERENCE #1:

Print Name \_\_\_\_\_ Telephone #: \_\_\_\_\_

REFERENCE #2:

Print Name \_\_\_\_\_ Telephone #: \_\_\_\_\_

\* \* \* \* \*

Notary Section:

State of \_\_\_\_\_ County of \_\_\_\_\_

The applicant, whose name appears signed to the above, after first being duly sworn by me, says that the above statement is true to the best of his/her knowledge and belief.

Taken, sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public Signature: \_\_\_\_\_

(SEAL)

My Commission Expires: \_\_\_\_\_